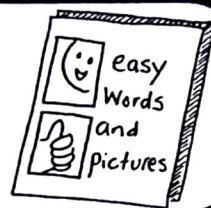


Easy Read Form



CCRC Application form

The CCRC can look into cases where someone who has lost their appeal still thinks they were wrongly convicted or given the wrong sentence.

If you have already lost your appeal and still think there is something wrong with your conviction or sentence you can apply to the CCRC.

If we find something wrong with a conviction or a sentence we can send the case back to the appeal court.



You **need to have lost an appeal before applying** to the CCRC. We have to find something **new and important** to send your case for a fresh appeal



The CCRC's job is to look at your case independently. This means that **we do not act as your lawyer**. It also means **we are independent** of the police the prosecution and the courts.



It **costs nothing** to make an application to the CCRC and your **sentence cannot be increased** if we send your case for appeal.

Remember that you should already have lost a normal appeal at court before you ask the CCRC to look at your case.



Most people who win their appeals apply straight to the appeal court first.



Appealing direct through the courts is usually much quicker than applying to the CCRC.



You can find information about appealing direct to the court if you were convicted in a Crown Court in a booklet called *Appealing a Conviction or Sentence to the Court of Appeal*. You can get the booklet, with the forms you need to appeal, from the Criminal Appeals Office on 020 7947 6011.

You can also get the form and booklet, and find information about appealing in Crown Court cases and magistrates' court cases, on the www.justice.gov.uk website by searching "appeal a conviction or sentence".

The charity Justice also provides a helpful booklet on appeals in Crown Court cases. It can be found at www.justice.org.uk by searching "How to Appeal".



If you have already lost your appeal but still think you have been wrongly convicted or sentenced, you should fill in this CCRC form and send it to us.

In this CCRC application form we ask for information about you to help us look at your case. We may also decide to use what you tell us in this form to help us get hold of other information about your case.

Please try to fill in as much of the form as you can, but do not worry if you cannot answer some of the questions.

Please contact us if there is anything that you do not understand.



Application Form

What we need to know about you

What is your first name? Seymour

What is your last name? PLATT

What is your date of birth? 4/12/1971

Please tick ☒ to show which title you would prefer.



Mr ☒

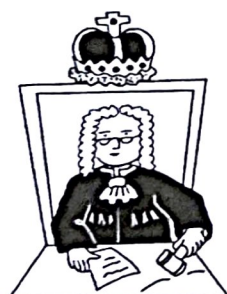
Ms ☐

Miss ☐

Mrs ☐

Mx ☐

Other



Your appeal history

Have you asked the court for an appeal?

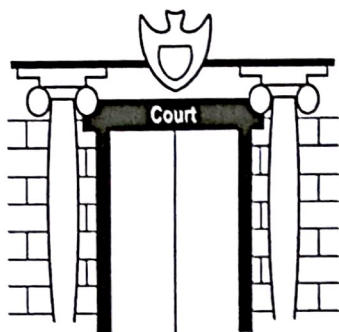
Yes



No



If you have not appealed directly to the court there are different forms you need to fill in to start a first appeal. See page 2.



If you did appeal, did you ask the court for an appeal against.

Your sentence? ☐ Your conviction? ☐

Please tick which one is relevant ☒

If you cannot appeal directly to the court (for example you pleaded guilty in the magistrates' court) tell us about it here. You can use more paper if you need to.

This application is on behalf of my mother "Christine Sloane" AKA Christine Keeler - She has passed away

Was your appeal heard at a court?

Yes 

No 

If yes, please put a tick ☒ in the box which shows the type of court where your appeal was heard.

Court of Appeal ☐

Crown Court ☐

County Court ☐

Court Martial / Appeal Court ☐

Write your appeal number here if you know it.

An appeal number can be found on letters and transcripts from the Court of Appeal. It will look something like this: **20109876**



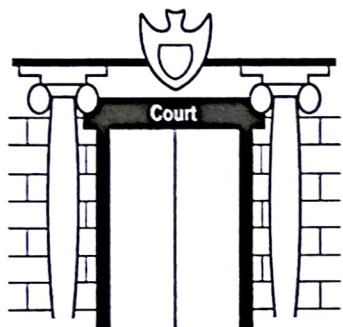
What we need to know about the case you want us to review

What was the name of the court where you were convicted?

The Old Bailey

If you were convicted at a Crown Court which magistrates' court sent you there?

Marlborough St Magistrates Court.



Please put a tick ☒ In the box which shows the type of court where you were convicted.

my mother

Crown Court

☒

Magistrates' court

☐

Court Martial /
Service Civilian Court

☐

What is your Crown Court number or case number?

A Crown Court number can be found on letters and transcripts. It will look something like this: **T20081234.**



my mother
What date were you convicted?
6th December 1963

What date were you sentenced?
6th December 1963



Were you convicted with other people?

Yes



No



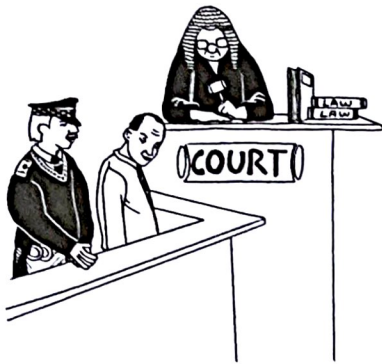
If yes, what were their names?

Paula Hamilton Marshall
Olive Brooker



Which police force dealt with your case?

metropolitan police



At court did ~~you~~ ^{my mother} say you were:

Please put a tick in the box ☒

Guilty

☒

Not Guilty

☐


What crimes were ~~you~~ ^{my mother} found guilty of?

For example: Theft

Perjury

Conspiracy to prevent the
course of Justice

The Court accepted my mother's
Plea of NOT guilty on two other counts

Guilty



Would you like us to look at ~~your~~ ^{my mother's} conviction?

Yes



No



What sentence were you given at court?

9 months (she served 6)



If you were sent to prison how long was your sentence?

For example: 18 months

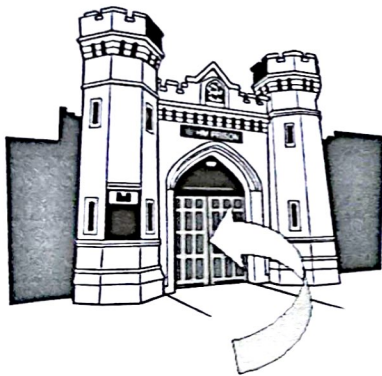
9 months

Would you like us to look at your sentence?

Yes



No



Are you in prison?

Yes

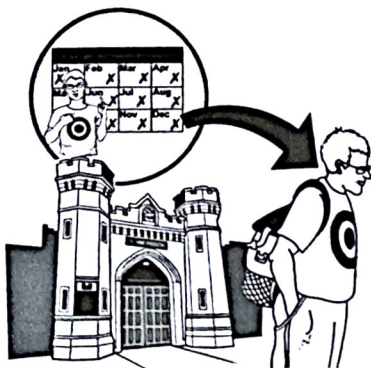


No



If yes, what is your prison number?

What is the name of the prison you are in?



Do you know your release date?

Yes



No



NA

If yes, when are you due to be released?



If you are not in prison what is your address?

Lisduff Cross
Lisduff
Longford
co Longford Ireland



What is your telephone number?

00353 87 460 0999



What is your e-mail address?

Seymour Platt@gmail.com

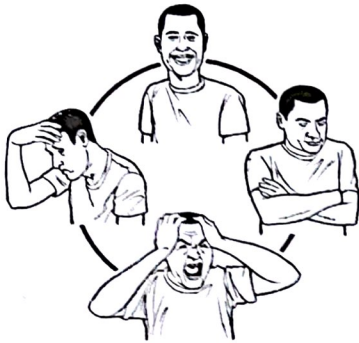
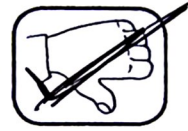


Have you applied to us before?

Yes



No



Are there any reasons you need special help with your application?

No



Do you have trouble reading or writing?

Yes



No

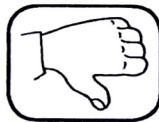


Can you tell us about your case in English?

Yes



No



If no, what language?

Tell us here what you think went wrong in your case

For us to send your case back to the appeal court we usually have to show them something new and important which will make them think in a different way about your case. It normally needs to be something that has not already been heard by a court.

This can be very hard to find so please tell us here as much as you can about your case.

We won't be able to help you if you just repeat the same points that were made at your trial or appeal.

Tell us what you think went wrong with your case and what is new.

Include everything you think we need to know to look at your case.

You can keep going on separate pieces of paper if you need to.



Attached letter dated 15/3/2022
from James Harbridge, Solicitor.

Attached Advice to Support application
Dr Felicity Gerry QC, Barrister.

Attached Letter dated 1/3/2022

from Dr Rebecca Helm, Expert opinion

Attached letter dated 1/3/2022

from Prof Mike McConville, in support

Attached. Application for Pardon

Annex 2 Supporting Docs



Who do you want us to update about your case?

Do you have someone helping you with your application to us?

If so, who are they? Please tick one box ☒



A solicitor or barrister

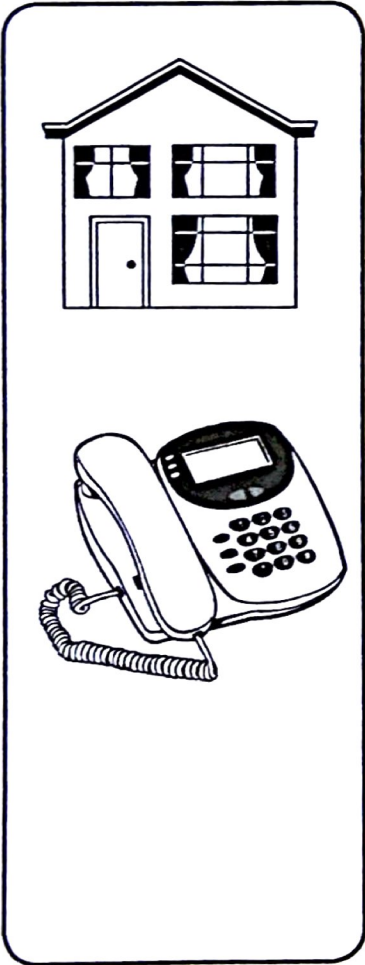
☒

Friend or relative

☐

Other
Please give details

What are the contact details for the person who is helping you?



Name

Address

Email _____

Phone number? _____

We normally only contact one person to give updates about a case.

Please tick one box ☒

You ☒ The person helping you ☐

Criminal
Defence
Service



Please tell us about any other solicitors
who may have papers about your case.

Solicitor's name

Address

Solicitor's Phone number

Solicitor's Email

Your signature

I want the Criminal Cases Review Commission to look at my case.

*Late mother's
Case*

I understand that the information I have given in this form will be
used to help the Commission look at my case.



Signature

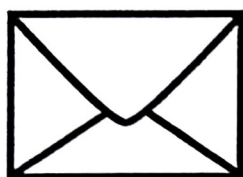
[Handwritten signature]



Date

18/3/2022

**Please remember to include with this form any papers or other
material that you think the CCRC needs to look at for your case.**



**When you have filled in this form,
please send it to us at:**

Criminal Cases Review Commission
23 Stephenson Street
Birmingham
B2 4BH



**Local rate number for prisoners:
0300 456 2669**



CCRC Email address: info@ccrc.gov.uk



**It would help us to reach other people who might
need the CCRC if we knew how you found out
about us.**

How did you find out about the CCRC? (please tick)



Prison sources (e.g. posters or prison officers) ☐

Other prisoners ☐

Inside Time Newspaper ☐

Friends or family ☐

Solicitor or Barrister ☒

Press, TV or Radio ☐

National Prison Radio ☐

Internet ☐

MP ☐

Instagram ☐

Monitoring Form – Part 1



This part of the form will be detached and will not be seen by the people reviewing your application.

It would be very helpful to us if you could fill in this form. We use this form to make sure we are reaching out to as many different people as possible who may need our help.

We also use this part of the form to make sure we are treating everyone equally and fairly.

Most people fill in this form, but you don't have to if you don't want to.

What is your date of birth?

4/12/1971



Please use ticks in this part of the form ☒

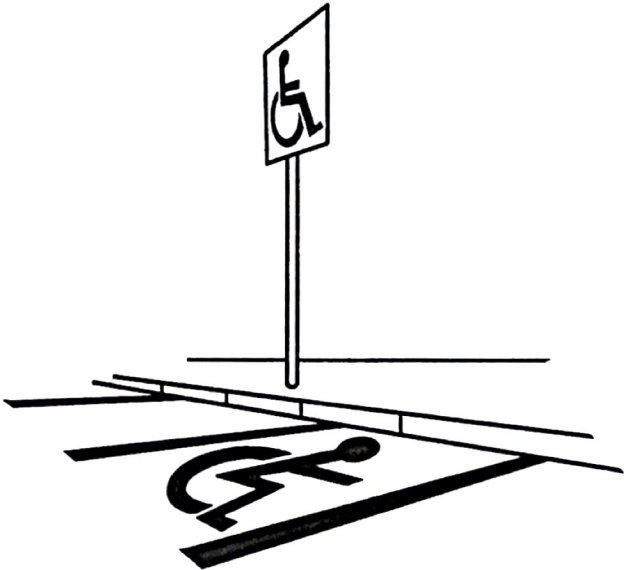
What is your gender identity?

Male ☒ Female ☐ Self-describe

Do you have any special needs

Yes ☐ No ☒

(An example of this may be if you need support with communication or how you process information)



Monitoring Form – Part 2

I would describe myself as



Asian or Asian British?

British

Self-describe (For example Pakistani)

White?

British ☒ Irish ☐ Gypsy / Traveller ☐ Other

Afro-African ☐ Afro-Caribbean ☐ Afro-British ☐
Caribbean ☐ African ☐ Other

Having more than one ethnic background?

White and Afro-Caribbean ☐ White and Afro-African ☐
White and Asian ☐ Other

Coming from another ethnic group? Arab ☐ Other

I am a foreign national. Yes ☐ No ☒

Dubai, UAE

15 March 2022

Mr Scott Marcroft,
Criminal Cases Review Commission

Dear Mr Marcroft,

RE: CHRISTINE MARGARET SLOANE (DECEASED)

I hope this letter finds you well.

I am an English-qualified solicitor, currently working as a disputes resolution partner in a law firm in Dubai. I am part of Mr Seymour Platt's legal team (all of us are working *pro bono*).

I will write under separate numbering for ease of reference:

1. as Mr Platt is a son of the Deceased [and indeed the sole beneficiary of her will], we trust you will consider him an "approved person" to bring this appeal. Indeed, as per paragraph 17 of the attached Petition, the Deceased, in her will, instructed Seymour to look after her rights "and do what he can to make sure that the truth is told about events of which I took part during my life."
2. As regards the reasons why the Deceased pleaded guilty in December 1963 to two counts, I refer to the Petition, the attached Opinion from Counsel dated 28 February 2022; the attached Opinion issued by Dr Rebecca Helm dated 1 March 2022, and the attached letter from Professor Mike McConville dated 1 March 2022.
3. From my perspective, it would appear that the Deceased pleaded guilty in the knowledge that she had no hope of a fair trial, given the situation prevailing at that time. In short, a jury could not, and would not have been, objective and impartial.
4. Indeed, after the Deceased's guilty plea, the Deceased's Counsel drew the Judge's attention to the fact that the Deceased's denial of two additional witnesses was non-material. As explained in the attached Annex to the Petition, the Judge replied: "That may or may not be so. It is of no concern to me." The Deceased was therefore prescient in believing that the non-materiality issue would be disregarded.
5. As also explained in the Petition, I consider that the Deceased's situation was so dire that she pleaded guilty because she considered that prison would be a safe haven.
6. After her prison sentence, I believe the Deceased did not appeal her sentence because she feared the severe adverse emotional effects on her of more interaction with the Court system. She tried to put the past behind her. She had no reason to disbelieve that, in reality, the Courts

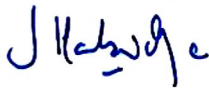
treat any lie as perjury. Nonetheless, we know that not every lie is perjury. Perhaps the Deceased had some residual doubt about this issue, which is why she made her specific request to Seymour in her will.

7. Whilst we believe we have provided all necessary documentation (ie the Petition with all its attachments, and the remaining paperwork referred to herein), we would be grateful if the CCRC can access and assess, given the matters we have raised:

- (i) the CCRC assessment of the posthumous application to the CCRC in respect of Stephen Ward, and
- (ii) the sealed records arising from the Profumo Affair.

We are deeply grateful to the CCRC for its kind and full consideration of this matter.

Yours sincerely,



James Harbridge

SRA No: 19272

IN THE MATTER OF CHRISTINE KEELER

ADVICE TO SUPPORT APPLICATION TO THE CCRC

1. I jointly drafted the petition to the Lord Chancellor and Secretary of State for Justice (then the Rt. Hon Robert Buckland QC) to recommend to Her Majesty the Queen the exercise of the Royal Prerogative of Mercy to grant a posthumous Free Pardon for Christine Keeler, hereafter referred to as Christine. The petition is brought by her son Seymour Platt following Christine's final request in her will. It is a late but necessary step to recognise how badly she was treated at the time, how wrongly she has been shamed and how her treatment exposes the appalling discrimination against women in the context of gender-based violence and sexual advances by powerful men.
2. Christine pleaded guilty to offences for which, in my view, she had a defence, and those pleas were entered when she was under unconscionable pressure in the context of the lies to Parliament by John Profumo (former Secretary of State of Defence – also deceased), about his sexual relationship with Christine when he was when he was 46 and she was 19. It is my opinion that those convictions, by her plea, are unsafe and ought to be quashed or, at the very least, result in the merciful outcome of a pardon.
3. The petition was drafted against a background where she and her counsel at plea are both deceased. It is good news to hear that the Criminal Cases Review Commission (CCRC)

will receive an application and that the Ministry of Justice would be interested in their opinion on her lack of culpability.

4. I do not propose to repeat the content of the petition in this advice, but I emphasize that the petition and the evidence provided with it are highly pertinent to the CCRC approach, and I hope the following is a helpful addition. Taken at its highest Christine lied about the presence of two men who saw her being violently assaulted but put her under pressure not to mention them. The decisions to prosecute her and send her to prison were, in my view, appalling and ought to be repaired, even after this passage of time. I make four straightforward points:

- a. Christine should never have been prosecuted.
- b. Christine's statement was not necessarily wilful and certainly not material.
- c. Christine pleaded guilty under such inordinate pressure that her conviction is unsafe.
- d. The CCRC should refer Seymour Platt's application to the Court of Appeal with a recommendation to quash Christine's convictions.

5. **In my view, Christine should never have been prosecuted:** Christine was a young and vulnerable victim of violence who should have been supported, not charged with criminal offences. Had there been a proper strategy in place (akin to the current Crown Prosecution Service (CPS) approach to violence against women and girls), this would have occurred. Her case simply does not fulfil the criteria for prosecution for any alleged offence. Violence against women and girls (VAWG) is an appalling scourge in the UK and was not properly prosecuted in the 1960's. Indeed, many past legal frameworks have since been acknowledged to be inadequate and significant law and policy reform has flowed over the

decades since Christine was targeted and abused. Christine's case has had a lasting effect on the shaming of her and more broadly the shaming of women, who are often wrongly placed in the paradigm of dishonesty. In my opinion, it is a state obligation to take steps to mitigate such discrimination. Acknowledging that there was no public interest in prosecuting Christine, would be a sensible step.¹ It would be helpful for the CCRC to address this human rights / policy issue, not least because the UK has international obligations to protect the rights of women and girls and should take such obligations seriously.

6. **In my view, Christine should never have pleaded guilty:** That Christine lied or did not mention (or more likely was not given the full opportunity to explain) about who was present when she was attacked by Lucky Gordon was, in my view, *not* material to the proceedings against Gordon, nor those against Ward. There was no dispute about what she said. The only issue was whether the statements made were 'material'. This is a question of law that could have been determined at trial but instead she pleaded guilty. The decision to plead guilty remains subject to legal professional privilege and, in event, her counsel Jeremy Hutchinson QC is sadly deceased but it is worth noting that he could not change the decision to prosecute nor ask at trial for any directions on 'myths and stereotypes' about women, particularly where the rights of women and girls not to be discriminated against were not well protected at the time. Nor could he have hoped to remove the inordinate pressure she was under.
7. Obviously, Christine was charged with more than one offence having repeated the denial that there were two further witnesses to the attack on her but the commentary by

¹ See the CPS documents referred to in the petition and, for example, the Istanbul Convention and the UNODC Handbook: https://www.unodc.org/documents/justice-and-prison-reform/Handbook_on_effective_prosecution_responses_to_violence_against_women_and_girls.pdf

Blackstones editors is instructive on questions of wilfulness, materiality and obstruction: They suggest that “it might seem at first sight that the requirement of wilfulness is otiose” since the offence of Perjury can be committed only by someone who does not believe the testimony to be true; but conduct is wilful only if it is intentional², or if it involves being reckless as to whether or not the statement was true.³ Here, Christine does not appear to have had any intention to commit perjury or obstruct the course of any proceedings in relation to the allegations in which she was a witness. It is at least arguable that she was not acting to interfere in any way with the administration of justice which is the broad purpose of the offences with which she was charged. Further Blackstones editors make it plain that ‘*material*’ means important or significant: something which matters: That is ‘false in a material particular’.⁴ The editors go on to state the following:⁵

“clear examples of immaterial statements are hard to find amongst the reported cases. It was held in *Tate (1871) 12 Cox CC 7* that it was not perjury for D to swear at X’s trial for assault that he had seen X’s wife commit adultery, because that would have been irrelevant to the question whether X had indeed committed the assault; but this decision has been doubted (*Hewitt (1913) 9 Cr App R 192*) and it has since been held that evidence is material if it may affect the likely penalty in criminal proceedings, even if it is immaterial to the question of liability (*Wheeler [1917] 1 KB 283*). A rare, reported example of lies that were held to be immaterial is *Sweet-Escott (1971) 55 Cr App R 316*, where in committal proceedings D had denied having any previous convictions. He did have some; but these dated from over 20 years before, and it was held that they could not have made any difference to the outcome of the proceedings.”

² *Senior* [1899] 1 QB 283.

³ *R (Purvis) v DPP* [2020] EWHC 3573 (Admin), [2021 4 WLR 41]; *Millward* [1985] QB 519.

⁴ *Mallett* [1978] 3 All ER 10.

⁵ See B14.9 and B14.10

8. It is my opinion that Christine's is a prime example of where the statements are *not* material. Had she stated two other people were present, it would have made no difference to the outcome whatsoever.⁶ It would not have induced the court to believe the substantial part of her evidence because it was irrelevant. This issue was who hit her and, in the end, that was not in issue at all.⁷ There was a clear admission by Lucky Gordon and she needed medical attention. Any denial of others present could not induce the court to admit other material evidence.⁸ The practical reality is that a proper investigation would have revealed that those same witnesses would have supported Christine's account - that she was violently attacked by Lucky Gordon – which Gordon had admitted during the case against him.
9. **In my view, Christine's guilty pleas are unsafe:** I have seen the fresh expert opinion of Dr Rebecca Helm. It supports the petition in every material respect, allowing a conclusion that, at the very least, Christine's plea was equivocal.⁹ Dr Helm's research is a sound basis for this application to the CCRC to be an opportunity to recognize that Christine had clear defences to the charges and pleaded guilty under inordinate pressure due to the Profumo Scandal, her vulnerability and all the surrounding circumstances, as set out in the petition.

⁶ *R v Lavey* (1850) 3 Car & Kir 26 at 30; *R v Millward* [1985] QB 519, 80 Cr App Rep 280, CA (disapproving *R v Sweet-Escott* (1971) 55 Cr App Rep 316 on this point). As to material statements see also *R v Courtney* (1856) 7 Cox CC 111 (evidence at coroner's inquest as to deceased's conduct not relevant to cause of death); *R v Mullany* (1865) Le & Ca 593, CCR (defendant's denial that his Christian names were those given in a summons for debt). As to immaterial statements see *R v Townsend* (1866) 4 F & F 1089 (evidence of truth of alleged criminal libel; truth irrelevant to charge at common law); *R v Tate* (1871) 12 Cox CC 7 (charge of assault; evidence of adultery by defendant's wife). Denial of an agreement void under the Statute of Frauds (1677) has been held immaterial: see *R v Benesech* (1796) Peake Add Cas 93; *R v Dunston* (1824) Ry & M 109. Evidence so collateral as to be almost irrelevant is insufficient to found a charge of perjury: see *R v Holden* (1872) 12 Cox CC 166; *R v Atlas* (1844) 1 Cox CC 17; *R v Southwood* (1858) 1 F & F 356.

⁷ *R v Tyson* (1867) LR 1 CCR 107.

⁸ *R v Phillpotts* (1851) 21 LJMC 18, CCR; *R v Yates* (1841) Car & M 132

⁹ See, for example: *Allwork* [1981] 3 All E.R. 434; *Plymouth JJ, ex p. Hart* [1986] Q.B. 950; *Tottenham JJ, ex p. Rubens* [1970] 1 W.L.R. 800; *P. Foster (Haulage) Ltd v Roberts* [1978] 2 All E.R. 751; *Warwick Crown Court, ex p. White* [1997] C.O.D. 418; *Malak* [2018] EWCA Crim 1693; *DPP v Warren* [1993] A.C. 319, HL; *Durham Q.S., ex p. Virgo* [1952] 2 Q.B.; *Blandford JJ, ex p. G (an infant)* [1967] 1 Q.B. 82; *Marylebone JJ, ex p. Westminster City Council* [1971] 1 W.L.R. 567; *R v Davids* [2019] EWCA Crim 553; *South Sefton JJ, ex p. Rabaca*, The Times, 20 February 1986.

10. The background to Christine's pleas of guilty include her being labelled a 'prostitute' and that Ward lived on her 'immoral' earnings. It should be noted that the modern approach to young women being supplied to privileged men is to investigate whether there are indicators for human trafficking which is defined as widely as 'abuse of vulnerability'.¹⁰ It is not enough to say 'times have changed'. She was a victim of violence who made a statement under a level of coercion or compulsion directly from men involved and indirectly from her circumstances. This application gives the CCRC the opportunity to engage its legal opinion on how such a case should have been approached. It enables the miscarriage of justice that Christine suffered to be properly acknowledged and Dr Helm's opinion is powerful support for a conclusion that Christine should be exonerated or pardoned.

11. **In my view, the Court of Appeal should quash Christine's convictions:** The current state of the law, which has not been revisited for some time, appears to be that the truth or falsity of a statement need not be crucial to the outcome of the case in which the statement was made. It would suffice, for example, if a statement prevented the other side from pursuing a certain line of questioning which might have been material to an issue of credibility.¹¹ Here, there is no line of enquiry Lucky Gordon could make that would not have revealed his guilt and, the issue in Ward's case was whether he was living on her income as a sex worker, not how she was attacked by Gordon. An attack on her by another man would not necessarily have been helpful to Ward in his trial. He appears to have been convicted largely on a discriminatory view of Christine, not on what she said. Accepting that in some cases a statement going solely to credit, as opposed to the issue to be

¹⁰ See, for example, section 2 Modern Slavery Act 2015.

¹¹ *Baker* [1895] 1 QB 797; *R v Millward* [1985] QB 519

determined, may be material,¹² in my view, we are a long way from that here. What Christine said about the attack upon her was true, was admitted by Gordon and supported by his long history of violence towards women. How many people saw that attack was totally irrelevant. Accordingly, it is my opinion that the charges could not be proved to the requisite standard, and, as set out above, it is my view that she should never have pleaded guilty. Had she maintained her not guilty plea, the trial judge could have acceded to a 'no case to answer' submission or a properly directed unbiased jury would have acquitted her. Had she been convicted after a trial she could have appealed the application of 'wilful', 'obstruction', 'intention' and 'materiality' in the context of this attack upon her and the terrible pressure she was under – which is what the CCRC can do by a referral now.

12. It is not possible to hear direct evidence from Christine's plea but there is ample circumstantial evidence set out in the petition, and if understood in context, that allows for a very strong inferential conclusion that her guilty pleas were equivocal. As is well known, circumstantial evidence can be as powerful, if not more so as direct evidence and is sufficiently powerful here to reach the conclusion that Christine pleaded guilty because of the way she was treated by the men around her and by the state processes, such that her convictions, by her plea, are unsafe.

13. In *P. Foster*,¹³ it was said that the Court should ask itself three questions.

- a) Was the plea itself equivocal? I hope the CCRC will conclude – yes.
- b) If not, did anything occur during the proceedings which could have led to the exercise of the discretion to invite or permit a change of plea had an application been made? I hope the CCRC will conclude – yes.

¹² *R v Griepe* (1697) 1 Ld Raym 256; *R v Overton* (1843) 4 QB 83; *R v Baker* [1895] 1 QB 797, CCR (defendant's statement as to plea on previous charge); *R v Lavey* above (claimant's denial of ever having been convicted).

¹³ *P. Foster (Haulage) Ltd v Roberts* [1978] 2 All E.R. 751, DC

- c) If so, should the Court of Appeal quash the convictions as unsafe - I hope the CCRC will conclude – yes.

14. When miscarriages do happen, the state must ensure there are quick and effective mechanisms in place to correct them. Currently those obligations are not being met.’¹⁴ The CCRC has an opportunity to make a difference to Christine’s family and to women more generally through acknowledging the injustices meted out on Christine and I hope they take it. Christine was a survivor but is owed a debt for the mistreatment she suffered. The reputation of John Profumo was somewhat restored before his death, and this is an opportunity to right a grave injustice upon Christine, who did not have his privileged connections. Acknowledging this miscarriage of justice could also inspire behavioural change towards prevention orientated criminal justice that is gender-responsive, trauma-informed and perpetrator focused. To quash her convictions, or pardon her, would also communicate a message of ‘zero tolerance’ of VAWG and demonstrate commitment to taking action when it occurs, in support of women as part of a high-quality justice response, committed to the elimination of VAWG and restoring the trust and confidence of the community who have long been misled about the truth of Christine’s life and experiences.

A handwritten signature in black ink, appearing to read 'Felicity Gerry', with a long, sweeping horizontal line underneath.

Dr Felicity Gerry QC

Libertas Chambers, London

¹⁴ APPG 2017/18 Report available at < <https://appgmiscarriagesofjustice.files.wordpress.com/2018/12/Annual-Report-201819-APPG-on-Miscarriages-of-Justice-1.pdf>>

28 February 2022

01 March 2022

Dear Criminal Cases Review Commission,

My name is Dr Rebecca Helm, and I am director of the Evidence-Based Justice Lab, an interdisciplinary research group examining the operation of the justice system in practice, at the University of Exeter Law School. I have been researching the reasons that people plead guilty for the last ten years, and am recognised as one of the leading experts on guilty plea decision-making in the UK and internationally (for a list of publications see: <https://evidencebasedjustice.exeter.ac.uk/publications/#cat-0>). My work has been cited by scholars from across the world and in court judgments, including by the United States Court of Appeals (see *Alvarez v City of Brownsville*, 2018). I have been asked by the team making an application to you on behalf of the late Christine Keeler to provide an opinion on what might have led Ms Keeler to plead guilty, whether her plea decision was voluntary, and whether she might have pleaded guilty despite being factually innocent. The obvious challenge in assessing the case is that it is no longer possible to speak to Ms Keeler about her motivations for pleading guilty. Nonetheless, in my opinion there is a significant amount of evidence to suggest that Ms Keeler is likely to have pleaded guilty as a result of vulnerability and pressure, and thus her guilty plea should not present an obstacle for the referral of her case to the Court of Appeal, or, ultimately, for her acquittal. In fact, as I will discuss below, the case exemplifies many of the factors that we now know (but did not know at the time) underlie unreliable and involuntary guilty pleas.

As you are of course already aware, guilty pleas are not reliable indications of guilt, and many defendants who plead guilty are later acquitted of the crimes that they have been accused of. Three of the key factors that have been identified as leading defendants to feel pressure to plead guilty regardless of factual guilt are (1) disproportionate difficulties that might be faced at trial making trial practically inaccessible (Helm, 2019), (2) vulnerabilities that undermine autonomy and promote compliance (Helm et al., 2022), and (3) young age (Helm, 2021). Each of these factors can lead defendants to plead guilty regardless of the probability of conviction at trial and regardless of factual guilt. Each of these factors are also clearly present in the guilty plea of Christine Keeler.

First, for some defendants, significant difficulties that might be faced at trial make actually having a full trial seem inaccessible to them. They simply can't envision being able to cope with the pressures involved in a full trial. In my own work, I have heard first-hand reports of defendants pleading guilty because they do not perceive that they can cope emotionally with a trial and / or they feel desperate to get the legal process over with (Helm et al., 2022: 152). Christine Keeler's case is about the strongest case you can imagine for a person not feeling that they could cope with actually having a trial. Ms Keeler was a young woman (aged 21, note that the influence of her age is discussed in more detail below) who was a victim of violence, was being vilified by the public, and had only recently endured a high profile and difficult trial. She had not received the protections that a victim of violence would receive today which made her experience with the justice system particularly harrowing. For example, at her trial as a victim of abuse, she was cross-examined by the person who had abused her (and is now acknowledged to have abused her by all involved), which must have been a hugely traumatic experience. Eggs were being thrown at her in the street, and she was being labelled a "whore," "tart," and "slut." Imagining anyone having the resilience and determination to exercise their right to a full trial in these circumstances is very difficult, let alone expecting this from a very young woman with an

acknowledged history of living in fear and having been subjected to abuse, violence, and controlling behaviour. In fact, research specifically shows that trial may seem particularly inaccessible to female defendants due to the specific pressures that they can face. In the context of false confessions, research has shown that women are more likely than men to react to conflict by acquiescing, particularly in situations where they are left to feel powerless (Carli, 1999). By pleading guilty, Christine Keeler likely acquiesced with a system she did not have trust in, was traumatised by, and felt powerless to challenge.

Second, vulnerabilities specific to a defendant can make them less able to exercise meaningful autonomy, and more likely to comply with suggestions that they are guilty. For a defendant, being able to exercise autonomy requires not only the ability to make a choice but also conditions that promote empowerment and safety to make that choice in an appropriate way (Helm et al., 2022). The available evidence suggests that Ms Keeler was not in a position where she was empowered to make her guilty plea decision independently and in a way that appropriately reflected wrongdoing. Not only was she making the decision in the context of a system that had beaten her down and vilified her (see discussion above) she was also likely to have been particularly vulnerable to compliance with authority and even to internalise alleged wrongdoing. Research has shown that women are particularly susceptible to falsely confess because public shaming inherent in criminal prosecution encourages an “acceptance of guilt that is built upon a generalised acknowledgment of wrongdoing” (Peay & Player, 2018: 947). Empirical research provides specific evidence that women who feel bad about their way of life can assume they are guilty or feel morally guilty and accept that something they have done is deserving of punishment, when in fact it may not be (Jones, 2011; Worrall, 1990). A feeling of guilt about their lifestyle is thought to lead women to more easily accept that something they have done is deserving of punishment (Jones, 2011). Christine Keeler’s case seems a potentially paradigmatic example of these mechanisms that can lead women to accept and internalise guilt. Ms Keeler was demeaned and shamed not only by those who abused her, but by widespread public and media opinion across the country and even internationally. Her lifestyle, choices, and actions were criticised in a very public way and on a very large scale, and at the same time she held herself to a moral code, that she has said that she lived by when interviewed by the media. It is very unsurprising that she would come to ‘accept’ she had done wrong and deserved punishment. This possibility is made even more likely by Ms Keeler’s status as a victim of abuse. Research has shown that false confessions generally are associated with a tendency to believe that one’s life is controlled by powerful, authoritarian figures (Forrest et al., 2006). More broadly, research acknowledges that levels of autonomy can be reduced as the result of violence and abuse (Nolet et al., 2020). By apparent acknowledgment of everyone involved, Ms Keeler had spent much of her life being controlled by powerful figures – the judge sentencing her for perjury explicitly recognised: “*I have no doubt at all that you were under pressure, under fear and certainly for some time, under domination in the past...*”. The available evidence suggests that Ms Keeler was particularly susceptible to complying with and internalising suggestions that she had done wrong and deserved punishment as a result of her gender, her treatment, and the abuse and control that she had been subjected to.

Third, it should be noted that all of the pressures above and their potential to compromise the voluntariness and accuracy of Ms Keeler’s guilty plea were likely exacerbated by her age. She was only 21 when she entered a guilty plea, and 21 or younger when she suffered the significant pressures described above. Many of the vulnerabilities that have been identified in child defendants would likely have applied to Ms Keeler at the time, particularly given research in the field of neurological development, showing that most people don’t reach full maturity until the age of 25 (see Johnson et al., 2009; Sentencing Council Scotland, 2020). Research into guilty pleas in children demonstrates clear additional vulnerability resulting from age (Helm, 2021; Evidence Based Justice Lab, 2021). Importantly, this work suggests that young people are particularly susceptible to feeling that trial is inaccessible to them due to the pressures involved in trial, that young people are particularly susceptible to external pressures to plead, that young people are particularly susceptible to pleading guilty when they do not understand charges against them, and that ultimately young people are particularly

susceptible to pleading guilty when innocent. Ms Keeler's age exacerbated the other factors that likely undermined the reliability of her guilty plea, and provides another, independent reason that her guilty plea should not be seen as reliable.

Finally, it should be noted that our knowledge about the psychological impact of abuse and stigmatisation, and our knowledge of guilty plea decision-making has progressed significantly since the time of Christine Keeler's conviction. The first work suggesting that guilty pleas generally may not be reliable indications of guilt in England and Wales was published in the 1970s (see, for example, Sowell et al., 1999). Today, the potential pressures she would have faced and the impacts that these pressures would likely have had on her plea are widely recognised. In my opinion, Christine Keeler's guilty plea was significantly compromised and I would go as far as to say that in these extreme circumstances it is highly likely that the plea was entered due to the practical inaccessibility of trial for Ms Keeler (given the pressures she faced) and her compliance leading to internalisation of wrongdoing. The unreliable nature of her plea provides a convincing reason for her conviction to be referred and ultimately overturned.

A full list of sources referenced in this letter is provided below. Please do not hesitate to contact me if I can provide any further information.

Yours sincerely,



Dr. Rebecca K. Helm
*Director, Evidence-Based Justice Lab, and UKRI Research Fellow
University of Exeter.*

This opinion has been endorsed by:

Professor Jill Peay (j.peay@lse.ac.uk), Professor of Law at the London School of Economics, and Honorary Associate Tenant at Doughty Street Chambers, a leading expert in mental health and criminal justice processes.

Professor Mike McConville (mikemcconville@cuhk.edu.hk), Honorary Professor at the University of Nottingham and Emeritus Professor at the Chinese University of Hong Kong, a renowned authority on guilty plea systems (see letter attached).

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1 March 2022

To: Criminal Cases Review Commission

I am writing to endorse the Advisory Opinion provided by Dr Rebecca Helm in support of the *Petition for Mercy in Matter of Christine Margaret Sloane (Deceased)*.

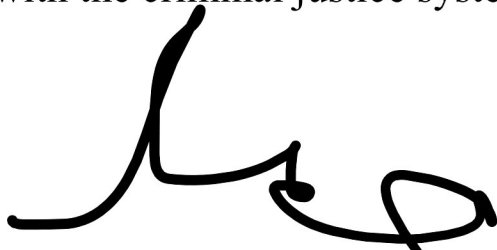
I have been involved in research into the criminal justice system over the past fifty years and have published leading works in the area of suspect and defendant decision-making in England and Wales, the United States of America (focused on New York City) and the People's Republic of China. I am the co-author of the pioneering empirical investigation into Guilty Pleas in England (*Negotiated Justice*, 1977), the ground-breaking work on Guilty Pleas in New York (*Jury Trials and Plea Bargaining*, 2005, with the late Professor Chester Mirsky of NYU) and first major empirical study in PR China (*Criminal Justice in China: An Empirical Inquiry*, 2011, with five co-authors from across the globe) together with dozens of articles published in top-rated academic journals. In all of these endeavours I have been directly involved in observational and ethnographic research with suspects, defendants and key process actors, prosecution and defence.

In my academic capacity, I know the work of Dr Helm and can confirm that she is widely regarded as the one of the leading experts on decision-making by suspects in the criminal justice system, a topic on which she has written authoritative guiding opinions.

In my opinion, Dr Helm correctly identifies the key factors that help us understand the decision-making of Ms. Keeler as a young and vulnerable woman who found herself having to confront the very person who had not only threatened her but, on his own admission, physically abused her in the course of a long and violent campaign. Well in advance of any confrontation with the criminal justice process, Ms. Keeler had been victimised by those who knew her personally and vilified through Press coverage by those who knew only negative representations. Without professional support of the kind that might be available today, she was in no fit position to enter an alien, unfamiliar and hostile courtroom environment in any capacity.

We know that she was a past and long-term victim of abuse. We know that she had been physically abused by the very person she had to face at trial in court. We know that she was concurrently abused in the media and that this contributed to hostile and physical attacks on her in public. We also know, today, that she was not given the support or clinical advice that would assist her contact with the criminal justice process. In such circumstances, it can hardly be said that she possessed that free will and autonomy of independent decision-making necessary to give confidence that any plea she entered would be voluntary in the sense required by law.

I have seen over the years -through ethnographic engagement with defendants - vulnerable suspects placed in a position in which their capacity to make informed and free choices has been compromised by contact with a system that has no relationship to the world that they have hitherto experienced in terms of expectations, culture, language and decision-making. In my view, all the evidence, as underscored by Dr Helm, strongly suggests that the compliance of Ms. Keeler in her own conviction can be attributed to the psychological pressures under which she acted derived from long-term abuse that continued up to and, indeed, beyond her contact with the criminal justice system.

A handwritten signature in black ink, appearing to be 'Mike McConville', written in a cursive style.

Professor Mike McConville
Honorary Professor, University of Nottingham
Emeritus Professor and Honorary Fellow, The Chinese University
of Hong Kong